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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,567	04/07/2004	Robert O'Farrell	026276-000210US	8559
20350 7590 12/08/2009 TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834				
			EXAMINER KIM, PAUL	
			ART UNIT 2169	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/820,567

Applicant(s)

O'FARRELL ET AL.

Examiner

PAUL KIM

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

1. This Office action is responsive to the following communication: Amendment filed on 15 December 2008.
2. Claims 1-19 are pending and present for examination.

Response to Amendment

3. No claims have been amended.
4. No claims have been newly added.
5. No claims have been further cancelled.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1-2, 4-10, 12-13, 15-17, and 18-19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Criss et al (U.S. Patent No. 6,968,184, hereinafter referred to as CRISS), filed on 18 August 2003, and issued on 22 November 2005, in view of Parthesarathy et al, U.S. Patent No. 6,353,926 (hereinafter referred to as PARTHESARATHY), filed on 15 July 1998, and issued on 5 March 2002.
8. **As per independent claims 1, 7, 12, and 18**, CRISS, in combination with PARTHESARATHY, discloses:

A method of change management for a mobile data system having a mobile client device that shares data with multiple enterprise data sources, the method comprising:

initiating change management processing response to receiving a communication request from the mobile client device to establish communications with a server of the mobile data system {See CRISS, C17:L31-45, wherein this reads over "the processor 40

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transmits a request packet to the host computer 30 requesting that the host computer 30 transmit a list of package names corresponding to the package definition files"), wherein the communication request includes data that identifies one or more applications installed at the mobile client device (See CRISS, C2:L60-C3:L1, wherein this reads over "the mobile device wirelessly transmits to the host computer the indicia identifying the version of its operating software" and "[t]he host computer performs a comparison of the version indicia provided from the mobile device with information identifying the version of corresponding operating software presently stored with an FTP or TFTP server which maintains the latest version available for each operating software"), and to which the mobile client device is subscribed, and identifies metadata at the mobile client device associated with the one or more subscribed applications (See CRISS, C17:L39-45, wherein this reads over "the processor 40 transmits a request packet to the host computer 30 requesting that the host computer 30 transmit a list of the package names corresponding to the package definitions files stored in the memory");

determining if an update package is available for the identified application subscribed at the client device (See CRISS, C3:L1-4, wherein this reads over "[i]f the host computer determines the mobile device is not running the latest version of the operating software, the host computer transmits a request to the mobile device to have its operating software updated"), based on the metadata identified by the communication request wherein the metadata comprises data sufficient to define the identified application including Business Objects, Business Object Properties, Business Object Rules, and Business Constants components of the identified application (See PARTHESARATHY, C9:L46-63, wherein this reads over "if the update version is greater than or equal to the installed version and the advertised version, the shell compares the adState in the registry with the new computer advertisement state" and "if adStateNew is greater than the stored adState, then there is fresh information to bring to the user's attention and the message box is displayed"); and

downloading the update package to the mobile client device and updating the identified applications and associated data at the mobile client device (See CRISS, C3:L1-4, wherein this reads over "[i]f the host computer determines the mobile device is not running the latest version of the operating software, the host computer transmits a request to the mobile device to have its operating software updated").

While CRISS may fail to expressly disclose metadata which comprises data sufficient to define the identified application including Business objects, object properties, object rule and constants components, PARTHESARATHY discloses an invention for discovering application metadata and translating said metadata to determine whether the currently installed version is current with the newest available software update. Furthermore, PARTHESARATHY discloses a method wherein during the discovery process (i.e. determining if an update package is available), if an update is found, the upgrade process utilizes the application metadata to make the necessary upgrades. Accordingly, it would have been obvious to one of ordinary skill in the art to combine the invention disclosed by CRISS with the invention disclosed by PARTHESARATHY.

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One of ordinary skill in the art would have been motivated to make this modification such that the metadata may be used to configure the necessary business components of an application.

9. **As per dependent claims 2, 10 and 13**, it would be inherent that the claimed invention include a process wherein the identified application is initially installed on the mobile client device since without such initial installation, there would be no reason for the method of change management to determine if the identification application needed updating.

10. **As per dependent claims 4 and 15**, CRISS, in combination with PARTHESARATHY, discloses:

A method as defined in claim 1, wherein determining if an update package is available comprises:

determining a version number for the identified application installed at the mobile client device (See CRISS, C7:L36-39, wherein this reads over "just following the boot up routine, or any time thereafter, the host computer 30 requests from the mobile terminal indicia which identifies which version of operating software the mobile terminal is running");

identifying an update package for the identified application (See CRISS, C7:L62-64, wherein this reads over "[i]ncluded with each version of operating software is a unique identifier indicative of the particular version"; and C7:L67-C7:L3, wherein this reads over "the system administrator updates the host computer with sufficient information to communicate those fields provided in the package definition files"); and

installing the update package at the mobile client device to replace the previous version of the identified application (See CRISS, C3:L41-47, wherein this reads over "wirelessly updating the operating software stored in the at least one mobile device if it is determined that the operating software stored in the at least one mobile device is not the current version").

11. **As per dependent claims 5, 8 and 16**, CRISS, in combination with PARTHESARATHY, discloses:

A method as defined in claim 4, wherein determining a version number comprises receiving data from the mobile client in a predetermined format for the identified application and determining the version number in accordance with the data format (See CRISS, Figures 5a-5d).

12. **As per dependent claims 6, 9 and 17**, CRISS, in combination with PARTHESARATHY, discloses:

A method as defined in claim 1, wherein the communication request identifies all installed applications at the mobile client device (See CRISS, C2:L55-60, wherein this reads over "a host computer coupled to the backbone queries the mobile device for indicia identifying the version of operating software stored in the mobile device").

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13. **Claims 3, 11, 14, and 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over CRISS, in view of PARTHESARATHY, and in further view of Official Notice.

14. **As per dependent claims 3, 11, 14, and 19** CRISS, in combination with PARTHESARATHY and Official Notice, discloses:

A method as defined in claim 2, wherein the subscription process comprises:

identifying a user at the mobile client device (See CRISS, C5:L55-60, wherein this reads over "a host coupled to the backbone queries the mobile device for indicia identifying the version of operating software stored in the mobile device");

downloading a Client Framework to the mobile client device {See CRISS, C3:L4-8, wherein this reads over "the mobile device communicates . . . to have the latest versions of software downloaded"}; and

receiving data comprising at least one from the group of Metadata, Customer Data Definition, Customer Business Data, and runtime files for the identified application, wherein the received data is overwritten to any prior corresponding application files previously installed at the mobile client device (See Official Notice below).

The Examiner takes Official Notice that It would have been obvious and widely-known to one ordinary skill in the art at the time the invention was made to overwrite the prior corresponding application files (e.g. metadata, Customer Data Definition, Customer Business Data, and runtime files for the identified application) since upon update of the identified application, one would not want to lose, by deletion and overwrite, but maintain the accumulated files corresponding to the application.

Response to Arguments

15. Applicant's arguments with respect to claim rejections under 35 U.S.C. 103 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL KIM whose telephone number is (571)272-2737. The examiner can normally be reached on M-F, 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tony Mahmoudi can be reached on (571) 272-4078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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